A LETTER,

Writ by Mijn Heer FAGEL, PENSIONER of HOLLAND, TO Mr. JAMES STEWART, Advocate;

Giving an Account of the PRINCE and PRINCESS of ORANGE's Thoughts concerning *the Repeal* of the TEST, and the PENAL LAWS.

SIR,

I Am extream sorry, that my ill health hath so long hindred me from Answering those Letters, in which you so earnestly desired to know of me, what Their *Highnesses* thoughts are, concerning the Repeal of the *Penal Laws*, and more particularly of that concerning the *Test*: I beg you to assure your self, that I will deal very plainly with you in this matter, and without Reserve, since you say that your *Letters* were writ by the *King's* knowledge and allowance. I must then *first* of all assure you very positively, that Their *Highnesses* have often declared, as They did it more particularly to the Marquis of *Albeville*, His Majesties *Envoy* Extraordinary to the *States*, that it is Their Opinion, *that no Christian ought to be persecuted for his Conscience, or be ill used because he differs from the publick and established Religion*; And therefore, They can assure,

that the *Papists* in *England*, *Scotland* and *Ireland* be suffered to continue in their *Religion*, with as much Liberty as is allowed them by the *Laws* in these *Provinces*: in which it cannot be denied, that they enjoy a full Liberty of Conscience. And as for the Dissenters, Their *Highnesses* do not only consent, but do heartily *approve* of their having an entire *Liberty*, for the full exercise of their *Religion*, without any trouble or hindrance; so that none may be able to give them the least disturbance upon that account.

And Their *Highnesses* are very ready, in case His Majesty shall think fit to desire it, to declare their willingness to concur in the setling and confirming this Liberty, and as far as it lies in them, they will protect and defend it, and according to the Language of Treaties, They will confirm it with their *Guaranty*, of which you made mention in yours.

And if His Majesty shall think fit further to desire Their concurrence in the Repealing of the *Penal Laws*, They are ready to give it, *provided always that those Laws remain still in their full vigour, by which the R. Catholicks are shut out of both Houses of Parliament, and out of all publick Employments, Ecclesiastical, Civil and Military*: as likewise all those other *Laws*, which confirm the *Protestant Religion*, and which secures it against all the attempts of the *Roman Catholicks*.

But Their *Highnesses* cannot agree to the Repeal of the *Test*, or of those other *Penal Laws* last mentioned, that tend to the security of the *Protestant Religion*, since the *R. Catholicks* recieve no other prejudice from these, when the being excluded from Parliaments, or from publick Employments. And that by them the *Protestant Religion* is covered from all the Designs of the *R. Catholicks* against it, or against the publick safety. And neither the *Test* nor these other *Laws* can be said to carry in them any severity against the *Roman Catholicks* upon account of their Consciences: They are only Provisions qualifying men to be Members of Parliament, or to be capable of bearing Office; by which they must declare before God and men, that they are for the *Protestant Religion*. So that indeed, all this amounts to no more than a securing the *Protestant Religion* from any Prejudices that it may receive from the *R. Catholicks*.

Their *Highnesses* have thought and do still think, that more than this ought not to be askt, or expected from Them: since by this means, the *Roman Catholicks* and their Posterity will be for ever secured

cured from all trouble in their Persons or Estates, or in the Exercise of their *Religion*; and that the *Roman Catholicks* ought to be satisfied with this, and not to disquiet the Kingdom because they cannot be admitted to sit in Parliament, or to be in Employments; or because those *Laws*, in which the Security of the *Protestant Religion* does chiefly consist, are not repealed, by which they may be put in a condition to overturn it.

Their *Highnesses* do also believe, that the *Dissenters* will be fully satisfied when they shall be for ever covered from all danger of being disturbed, or punished for the free Exercise of their *Religion*, upon any sort of pretence whatsoever.

Their *Highnesses* having declared themselves so positively in these matters, it seems very plain to me, that They are far from being any hinderance to the Freeing Dissenters from the Severity of the *Penal Laws*; since They are ready to use their utmost endeavours for the establishing of it: nor do They at all press the denying to the *R. Catholicks* the exercise of their *Religion*, provided it be managed modestly, & without Pomp or Ostentation. As for my own part, I ever was and still am very much against all those, who would persecute any *Christian* because he differs from the publick and established *Religion*. And I hope by the Grace of God to continue still in the same mind; for since that Light, with which *Religion* illuminates our minds, is according to my sense of things, purely an effect of the Mercy of God to us, we ought then, as I think, to render to God all possible Thanks for his Goodness to us: and to have Pity for those who are still shut up in Error, even as God has pitied us, and to put up most earnest prayers to God, for bringing those into the way of Truth, who stray from it, and to use all gentle and friendly methods for reducing them to it.

But I confess, I could never comprehend how any that profess themselves *Christians*, and that may enjoy their *Religion* freely and without any disturbance, can judge it lawful for them to go about to disturb the Quiet of any *Kingdom* or *State*, or to overturn Constitutions, that so they themselves may be admitted to Employments, and that those *Laws*, in which the Security and Quiet of the established *Religion* consists, should be shaken.

It is plain, that the *Reformed Religion* is by the Grace of God and by the *Laws* of the Land, enacted by both *King* and *Parliament*;

the publick and eſtabliſhed *Religion*, both in *England*, *Scotland* and *Ireland*; and that it is provided by thoſe *Laws*, that none can be admitted either to a place in *Parliament*, or to any publick Employment except thoſe that do openly declare, that they are of the *Proteſtant Religion*, and not *Roman Catholicks*; and it is alſo provided by thoſe *Laws*, that the *Proteſtant Religion* ſhall be in all time coming ſecured from the Deſigns of the *Roman Catholicks* againſt it: in all which I do not ſee, that theſe *Laws* contain any Severity, either againſt the Perſons or Eſtates of thoſe who cannot take thoſe *Teſts*, that are contrary to the *Roman Catholick Religion*, all the inconveniences that can redound to them from thence, is that their Perſons, their Eſtates and even the Exerciſe of their *Religion* being aſſured to them, only they can have no ſhare in the Goverement, nor in Offices of Truſt, as long as their Conſciences do not allow them to take theſe *Teſts*: and they are not ſuffered to do any thing that is to the prejudice of the *Reformed Religion*.

Since, as I have already told you, Their *Highneſſes* are ready to concur whith his *Majeſty* for the Repeal of thoſe *Penal Laws*, by which Men are made liable to fines or other Puniſhments.

So I ſee there Remains no difficulty concerning the Repealing the *Penal Laws*, but only this, that ſome would have the *Roman Catholicks* render'd capable of all publick Truſts and Employments, and that by conſequence, all thoſe ſhould be repealed that have ſecured the *Proteſtant Religion* againſt the deſigns of the *Roman Catholicks*, where others at the ſame time are not leſs earneſt to have thoſe *Laws* maintained in their full and due vigour; and think, that the chief Security of the eſtabliſhed *Religion* conſiſts in the preſerving of them Sacred and unſhaken.

It is certain, that there is no *Kingdom*, *Common-wealth*, or any conſtituted Body or Aſſembly whatſoever, in which there are not *Laws* made for the Safety thereof; and that provide againſt all Attempts whatſoever, that diſturb their peace, and that preſcribe the Conditions and Qualities that they judg neceſſary for all that ſhall bear Employments in that Kingdom, State or Corporation: and no man can pretend, that there is any Injury done him, that he is not admitted to Imployments when he doth not ſatisfie the Conditions and Qualities required.

Nor can it be denied, that there is a great difference to be obſerved

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in the conduct of those of the *Reformed Religion*; and of the *Roman Catholicks* towards one another: The *Roman Catholicks* not being satisfied to exclude the *Reformed* from all places of profit or of Trust, they do absolutely suppress the whole Exercise of that *Religion*; and severely *persecute* all that profess it; and this they do in all those places where it is safe and without danger, to carry on that rigour. And I am sorry that we have at this present so many deplorable Instances of this severity before our eyes, that is at the same time put in practice in so many different places.

I would therefore gladly see one single good reason to move a *Protestant* that fears God, and that is concerned for his *Religion*, to consent to the Repealing of those *Laws* that have been enacted by the Authority of *King* & *Parliament*, which have no other tendency but to the security of the *Reformed Religion*, and to the restraining of the *Roman Catholicks* from a capacity of overturning it; these *Laws* inflict neither Fines nor Punishments, and do only exclude the *R. Catholicks* from a share in the Government, who by being in Employments must needs study to increase their Party, and to gain to it more Credit and Power, which by what we see every day, we must conclude, will be extreamly dangerous to the *Reformed Religion*, and must turn to its great prejudice: since in all places, those that are in publick Employments, do naturally Favour that *Religion* of which they are, either more or less. And who would go about to perswade me or any man else to endeavour to move Their *Highnesses*, whom God hath honoured so far as to make them the Protectors of his Church, to approve of, or to consent to things so hurtful, both to the *Reformed Religion*, and to the publick Safety. Nor can I, Sir, with your good leave, in any way, grant what you apprehend, That no prejudice will thereby redound to the *Reformed Religion*.

I know it is commonly said, that the number of the *Roman Catholicks* in *England* and *Scotland* is very inconsiderable; and that they are possessed only of a very small number of the places of Trust: tho even as to this, the case is quite different in *Ireland*: yet this you must of necessity grant me, that if their numbers are small, then it is not reasonable that the publick Peace should be disturbed on the account of so few persons, especially when so great a favour may be offer'd to them; such as the free Exercise of their *Religion* would be: and if their numbers are greater, then there is so much the more reason to be afraid of them; I do indeed believe that *Roman Catholicks*, as things

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at present stand, will not be very desirous to be in publick Offices and Imployments, nor that they will make any attempts upon the *Reformed Religion*, both because this is contrary to Law, and because of the great Inconveniencies that this may bring at some other time both on their Persons, and their Estates: yet if the Restraints of the *Law* were once taken off, you would see them brought into the Government, and the chief Offices and Places of Trust would be put in their hands; nor will it be easy to his *Majesty* to resist them in this, how stedfast soever he may be; for they will certainly press him hard in it, and they will represent this to the *King*, as a matter in which his Conscience will be concerned; and when they are possessed of the Publick Offices, what will be left for the *Protestants* to do, who will find no more the support of the Law, and can expect little Encouragement from such Magistrates? and on the other hand, the Advantages that the *Roman Catholicks* would find in being thus set loose from all Restraints, are so plain, that it were a loss of time to go about the proving it. I neither can nor will doubt of the sincerity of his Majesties intentions, and that he has no other design before him in this matter, but that all his Subjects may enjoy in all things the same Rights and Freedoms.

But plain Reason, as well as the Experience of all Ages, the present as well as the past, shews, that it will be impossible for *R. Catholicks* & *Protestants*, when they are mixed together in places of Trust and publick Employments, to live together peaceably, or to maintain a good Correspondence together. They will be certainly always jealous of one another; For the Principles and the Maxims of both *Religions* are so opposite to one another, that in my opinion I do not see how it will be in the power of any Prince or King whatsoever, to keep down those Suspitions and Animosities, which will be apt to arise upon all occasions.

As for that which you apprehend, that the *Dissenters* shall not be delivered from the *Penal Laws*, that are made against them, unless at the same time the *Test* be likewise repealed: This will be indeed a great unhappiness to them; but the *Roman Catholicks* are only to blame for it, who will rather be content that they and their Posterity should lie still under the weight of the *Penal Laws*, and exposed to the hatred of the whole Nation; than be still restrained from a capacity of attempting any thing against the Peace and the Security of the *Protestant*

testant Religion. And be deprived of that small advantage (if it is at all to be reckoned one) of having a share in the Government and publick Enjoyments; since in all places of the World this has been always the priviledge of the *Religion* that is established by Law; and indeed these Attempts of the *Roman Catholicks* ought to be so much the more suspected and guarded against by *Protestants*, in that they see that *Roman Catholicks*, even when liable to that Severity of *Penal Laws*, do yet endeavour to perswade his *Majesty*, to make the *Protestants*, whether they will or not, dissolve the Security which they have for their *Religion*: and to clear a way for bringing in the *Roman Catholicks* to the Government, and to publick Employments: in which case there would remain no relief for them but what were to be expected from a *Roman Catholick* Government.

Such then will be very unjust to Their *Highnesses*, who shall blame them for any Inconveniency that may arise from thence; since they have declared themselves so freely on this Subject; and that so much to the advantage even of the *Roman Catholicks*. And since the Settlements of matters sticks at this single point, that Their *Highnesses* cannot be brought to consent to things that are so contrary to *Laws* already in being, and that are so dangerous and so hurtful to the *Protestant Religion*, as the admitting of *Roman Catholicks* to a share in the Government, and to places of Trust, and the Repealing of those *Laws*, that can have no other effect but the Securing of the *Protestant Religion* from all the Attempts of the *Roman Catholicks* against it would be.

You write, *That the Roman Catholicks in these Provinces are not shut out from Employments and places of Trust*; But in this you are much mistaken. For our *Laws* are expres, excluding them by name from all share in the Government, and from all Employments either of the Policy or Justice of our Countrey. Is it true, I do not know of any expres *Law*, that shuts them out of Military Employments; that had indeed been hard, since in the first Formation of our *State* they joyned with us in defending our publick Liberty, & did us eminent service during the Wars; therefore they were not shut out from those Military Employments; for the publick Safety was no way endanger'd by this, both because their numbers that served in our Troops were not great, and because the *States* could easily prevent any Inconvenience that might arise out of that; which could not have been

been done so easily, if the *Roman Catholicks* had been admitted to a Share in the Government, and in the Policy or Justice of our *State*.

I am very certain of this, of which I could give very good proofs, that there is nothing which Their *Highnesses* desire so much, as that his *Majesty* may Reign happily, and in an intire Confidence with his Subjects, and that his Subjects being perswaded of his *Majesties* fatherly affection to them, may be ready to make him all the returns of duty that are in their Power: but their *Highnesses* are convinced in their Consciences, that both the *Protestant Religion* and the Safety of the *Nation*, would be exposed to most certain Dangers, if either the *Tests*, or those other *Penal Laws*, of which I have made frequent mention, should be Repealed; *Therefore they cannot consent to this, nor concur with his Majesties Will; for they believe they should have much to Answer for to God, if the consideration of any present advantages should carry them to consent and concur in things which they believe would be not only dangerous but mischievous to the Protestant Religion.*

Their *Highnesses* have ever pay'd a most profound duty to his *Majesty*, which they will always continue to do; for they consider themselves bound to it, both by the Laws of God and of Nature: but [illegible] matter that is now in hand, relates not to the making of [illegible] *King* and *Parliament*; they do not see how it can be expected of them, that they should consent to such a *Repeal*, to which they have so just an aversion, as being a thing that is contrary to the Laws and Customs of all Christian *States*, whether *Protestants*, or *Papists*, who receive none to a share in the Governments, or to publick Employments, but those who profess the publick and established *Religion*, and that take care to secure it against all attempts whatsoever.

I do not think it necessary to demonstrate to you how much their *Highnesses* are devoted to his *Majesty*, of which they have given such real Evidences as are beyond all verbal ones; and they are Resolved still to continue in the same Duty, and Affection; or rather to encrease it, if that is possible. I am, SIR,

Yours, &c.

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